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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/596,853

06/19/2000

Sho Kou

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06/04/2004

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EXAMINER

NALEVANKO, CHRISTOPHER R

ART UNIT

PAPER NUMBER

2611

8

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/596,853

Applicant(s)

KOU, SHO

Examiner

Christopher R Nalevanko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/23/04 has been entered.

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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2. Claims 1, 3-9, and 11-16 rejected under 35 U.S.C. 102(e) as being clearly anticipated by Ozkan et al.

Regarding Claim 1, Ozkan shows a digital television receiving system with a first device for receiving a digital television bit-stream (col. 2 lines 48-67). Ozkan further shows a second device setting a value in an attribute field of a command, the command for requesting information regarding the bit-stream and setting a flag in the command defining the type of information that the field describes (col. 6 lines 10-65). Ozkan shows a user inputting identification numbers to a processor. The processor uses these two numbers as identification numbers to set variables in the command to be issued (col. 6 lines 18-40). The identification numbers describe what kind of table is to be received to facilitate tuning of the decoder. Ozkan finally shows the second device, or processor, issuing the command to the first device (col. 3 lines 30-67, col. 4 lines 35-60, col. 6 lines 55-65) and the first device returning one of a plurality of tables to the second device (col. 4 lines 4-21, col. 5 lines 15-60, col. 6 lines 1-10, col. 7 lines 1-56). Ozkan shows that a user selects a channel for viewing, which in turn programs (inherently setting bits and flags denoting certain information) a command in a processor that asks for a table regarding the inputted channel. The processor receives a table which describes the sub-channels that are contained in the particular PTC selected by the user. The processor then uses the returned table to tune and manipulate the decoder to decode the correct sub-channel.

Regarding Claim 3, Ozkan shows that the command can be a command that directly selects data (col. 3 lines 30-67, col. 6 lines 10-65). This shows that the user selects the data.

Regarding Claim 4, Ozkan shows that the type of information is event information (col. 6 lines 10-40). Ozkan shows that the information can denote a theme of the programming, such as movies and events.

Regarding Claim 5, Ozkan shows the information comprises information regarding the frequency to tune the tuner (col. 6 lines 10-40). Ozkan shows that the information identifies a bundle number or sub-channel. This information correlates to frequencies to set the tuner in order to view a program.

Regarding Claim 6, Ozkan shows a tuner device, or decoder (figure 1 items 15, 17, and 100).

Regarding Claim 7, Ozkan shows the second device is a controller (see figure 1 item 60 and 64, col. 5 lines 34-60).

Regarding Claim 8, Ozkan shows that the bit-stream comprises digitized audio, video, data, and tables (col. 2 lines 5-16, col. 3 lines 15-29, col. 4 lines 3-21).

Regarding Claim 9, Ozkan shows that the video is in MPEG format (col. 2 lines 5-15, 50-62).

Regarding Claim 11, Ozkan shows a first device having a memory unit for storing a command, wherein the command has flags and attribute fields, wherein at least one of the fields is operable to store information of different types, and the flags are configured to identify the type of information (col. 3 lines 48-67, col. 6 lines 10-65, col. 7 lines 20-

67). Ozkan shows a controller that receives commands, which indicate a variety of data requests from a user. The components of the processor 60 format the data command, which inherently requires a memory (fig. 1 item 60). Ozkan further shows a second device, or decoder, connected to the bit-stream and the first device (see figure 1). Ozkan finally shows the second device, or processor, issuing the command to the first device (col. 3 lines 30-67, col. 4 lines 35-60, col. 6 lines 55-65) and the first device returning one of a plurality of tables to the second device (col. 4 lines 4-21, col. 5 lines 15-60, col. 6 lines 1-10, col. 7 lines 1-56).

Regarding Claim 12, Ozkan shows that depending on the user selected channel, the command sets a variety of bits to indicate a bundle number and sub-channel (col. 6 lines 10-65). This information denotes which table is to be returned to the processor to look up the correct channel number. Ozkan also shows returning, based on commands, an extended text table (col. 8 lines 30-67, col. 9 lines 1-32, col. 10 lines 40-56).

Regarding Claim 13, the limitations of the claim have been discussed with regards to claim 7.

Regarding Claim 14, the limitations of the claim have been discussed with regards to claim 6.

Regarding Claim 15, the limitations of the claim have been discussed with regards to claim 8.

Regarding Claim 16, the limitations of the claim have been discussed with regards to claim 9.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 10 and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozkan.

Regarding Claim 2 and 18, Ozkan shows using a master guide table, virtual channel tables, event information tables, extended text tables, and a variety of other tables (col. 4 lines 3-21, col. 7 lines 1-56). Ozkan fails to show a system time table and a ratings table. Official Notice is give that it is well known and expected in the art to use system time tables and ratings tables. These tables provide more information to the user regarding the show and help synchronize program content. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ozkan with the ability to store and use a system time table and a ratings table in order to provide the user with valuable information regarding the program and so that the programs could be properly synchronized.

Regarding Claim 10, Ozkan fails to show the use of a IEEE 1394 serial bus. Official Notice is taken that it is well know and expected in the art to use an IEEE 1394 serial bus to connect device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ozkan with a serial bus so that the system would use a well-known industry standard to communicate between devices.

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Regarding Claim 17, Ozkan fails to show the use of a serial bus. Official Notice is taken that it is well known and expected in the art to use a serial bus to connect a device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ozkan with a serial bus so that the system would use a well-known industry standard to communicate between devices. All other limitations of the claim have been discussed regarding claim 11.

Regarding Claim 19, the limitations of the claim have been discussed with regards to claim 7.

Regarding Claim 20, the limitations of the claim have been discussed with regards to claim 6.

Regarding Claim 21, the limitations of the claim have been discussed with regards to claim 8.

Regarding Claim 22, the limitations of the claim have been discussed with regards to claim 9.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kaneko et al U.S. Patent No. 6,505,347 discloses a control information generating apparatus for broadcast systems.

Klosterman et al U.S. Patent Application Publication No. 2003/0167473 discloses a television system with downloadable features.

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Tsukidate U.S. Patent No. 6,714,722 discloses a multimedia recorder with enhanced EPG-related functions.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R Nalevanko whose telephone number is 703-305-8093. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Christopher Nalevanko  
AU 2611  
703-305-8093

cn  
May 27, 2004

  
**VIVEK SRIVASTAVA**  
**PRIMARY EXAMINER**